

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: CLERK
U.S. BANKRUPTCY
EASTERN DISTRICT OF
NEW YORK

In re:

Andrea Gordon

2019 JUN -7 A 11: 04

Case No. 19-74145
Chapter 13
RECEIVED

Debtor(s)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed application of

Andrea Gordon, a hearing will be held before the Hon.
Judge Robert Grossman Bankruptcy Judge, to consider the motion for an Order
granting relief as follows:

Debtor's motion requesting mortgage
modification Review

Date and time of hearing: July 31, 2019 at 9:30am.
Location: U.S. Bankruptcy Court
290 Federal Plaza
Central Islip, New York 11722
Courtroom # 860, 8th Floor

Dated: 6/7/19

Signature

Print name: Andrea Gordon

Address: 40 Elm Place

Freeport, NY 11520

Phone: 516-608-5409

Email: djason08@gmail.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK-----X
In Re:

Chapter 13

Case No. 8-19-74145

Andrea Gordon Debtor(s)
-----X**LOSS MITIGATION REQUEST - BY DEBTOR**

I am a Debtor in this case. I hereby request to enter into the Loss Mitigation Program with respect to *[Identify the property, loan and creditor(s) for which you are requesting loss mitigation]:*

40 Elm Place Freeport, NY 11520
[Identify the Property]
~~5872~~ 5872
[Loan Number]
Wells Fargo Home Mortgage
[Creditor's Name and Address]

SIGNATURE

I understand that if the Court orders loss mitigation in this case, I will be expected to comply with the Loss Mitigation Procedures. I agree to comply with the Loss Mitigation Procedures, and I will participate in the Loss Mitigation Program in good faith. I understand that loss mitigation is voluntary for all parties, and that I am not required to enter into any agreement or settlement with any other party as part of entry into the Loss Mitigation Program. I also understand that no other party is required to enter into any agreement or settlement with me. I understand that **I am not required to request dismissal of this case** as part of any resolution or settlement that is offered or agreed to during the Loss Mitigation Period.

Sign: Andrea Gordon Date: 6/7, 2019Print Name: Andrea GordonTelephone Number: 516-608-5409
[First and Last Name]E-mail Address [if any]: agordon08@gmail.com
[i.e. 999-999-9999]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION

In re:

Andrea Ann Marie Gordon

Debtor.

Chapter 13

Case: 19-74145

Hon. Judge Grossman

**DEBTOR'S MOTION REQUESTING
MORTGAGE MODIFICATION REVIEW**

Debtor, pro-se, files this motion requesting an entry of an order setting deadlines and other parameters for Creditor, - to respond to Debtor's request for mortgage modification, and in support states as follows:

1. The Debtor filed this Chapter 13 case in an attempt to retain his/her primary residence and Investment home.
2. The Debtor has no other debts except for the first and junior mortgages on Debtors primary residence and a first Mortgage on her Investment home.
3. Debtor has requested in a separate motion, that pursuant to 11 U.S.C. §§ 506(a), (d) and 1322(b), the Motion for the junior mortgage lien held by Wells Fargo Bank, for the Property described above, shall be treated as wholly unsecured during the pendency of the Debtors Chapter 13 Plan and to remove said lien upon confirmation of the plan. Debtor and her child will be injured if Chapter 13 is dismissed prior to discharge.
4. The Debtor would like to modify the terms of the mortgage encumbering her primary residence and Investment home. The Debtor's household income will allow her to contribute to a modified mortgage debt.

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5. An order setting forth certain deadlines and other parameters will assist the parties in negotiation of a modification of the relevant mortgage.

Wherefore, Debtor requests the entry of an order setting deadlines and other parameters for a mortgage modification, and such other relief as this Court deems just and proper.

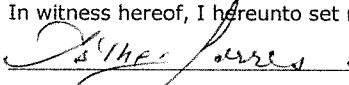
Dated: June 6, 2019


Andrea Ann Marie Gordon, Pro-se Debtor

STATE OF NEW YORK)
 NASSAU)SS:
COUNTY OF SUFFOLK)

On this, the 6th day of June, 2019, before me a notary public, the undersigned officer, personally appeared Andrea Ann Marie Gordon, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.


Notary Public

ESTHER TORRES
Notary Public - State of New York
No. 01TO6145033
Qualified in Nassau County
My Commission Expires May 01, 2022

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION

POINT OF CONTACT:

Angela Sutphen
85 Shinnecock Ave.
Massapequa, New York 11758

EXHIBIT “A”

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION

In re:

Andrea Ann Marie Gordon

Debtor.

Chapter 13

Case No. 19-74145-reg

Hon. Grossman

**ORDER GRANTING DEBTOR'S MOTION
REQUESTING MORTGAGE MODIFICATION REVIEW**

This matter having come before the Court on Debtor's Motion Requesting Mortgage Modification Review and to encourage the parties to engage in the modification process in good faith as the U.S. Courts are formed to help citizens retain their homesteads. In 2011, approximately twenty individuals, consisting of Chapter 13 trustees, attorneys for debtors in Chapter 13 cases, and attorneys for creditors in Chapter 13 cases, volunteered to form and serve on an ad hoc committee ("Committee") in the Eastern District of Michigan for the purpose of reviewing various voluntary programs adopted by bankruptcy courts throughout the country to help facilitate resolution of loss mitigation and mortgage modifications in Chapter 13 cases. The Honorable Walter Shapero served as the chairperson for the Committee. It was a positive step in the right direction to help debtors to retain their homes. In this great State of New York, why can't we follow suit.

Now, THEREFORE,

IT IS HEREBY ORDERED that:

1. Notice of Applicable Programs. Within 21 days after service of this order upon Creditor, Creditor would normally supply and notify Debtor of the Creditor's required loan modification package although full, complete loan modification package is already in processing.

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2. Creditor Request for Additional or Updated Documents . Within 30 days, Creditor shall review the Loan Modification Package submitted by Debtor and notify the Debtor of any additional or updated financial records that must be supplied to Creditor. Debtor shall provide Creditor all required additional financial records within 10 days.
3. Point of Contact. Creditor shall designate a point of contact for loss mitigation purposes including phone number and/or email address. The point of contact may be Creditor, Andrea Ann Marie Gordon and/or friend, Angela Sutphen. Contact information for the purposes of this court, is attached. (See Exhibit “F”)
4. Status of Review. Any document(s) or exchanges of information, not otherwise protected by any privilege, exchanged between the Debtor, Creditor and/or Creditor’s representative counsel (as applicable) may be presented to the Court for purposes of providing a status of the loan modification review by either party. Where the parties agree, dates and times may be established for filing a mutually prepared status report or the Court may, on ex parte request of any party or sua sponte, set status conferences at reasonable intervals to allow the parties to provide the Court with updates as to the process.
5. Lack of Prosecution. In the event that this case is converted under any other chapter of the Bankruptcy Code, the Debtor fails to pursue the modification with appropriate submission of the package within the above stated time frames, or if the Debtor declines an offered trial payment plan or permanent modification, this order shall become null and void unless otherwise extended by the Court.
6. Court Approval of Mortgage Modification. The parties shall seek any necessary Court approval to formalize any fully executed and completed modification.

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7. Creditor Fee. If applicable, any fees and costs incurred by Creditor for all work involved in connection with the mortgage modification shall be recoverable from the borrower as permitted by law.
8. Confidential Communications. All statements made by parties, attorneys, and other participants associated with the mortgage modification request are confidential and subject to Federal Rule of Evidence 408 and may not be construed for any purposes as an admission.
9. Stay Modified to Allow Loan Modification. The automatic stay is modified, to the extent necessary, to facilitate the terms pursuant to this Order.
10. Service. Debtor shall serve a copy of this order on the Creditor and file a proof of service.

IT IS SO ORDERED:

United States Bankruptcy Judge